

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Coozie Britton, Jr.,

Plaintiff,

vs.

Houston County Department  
of Education,

Defendant.

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Case No. 2:15-cv-43

**REPORT AND RECOMMENDATION**

The plaintiff Coozie Britton, Jr., a North Dakota resident, alleges that Houston County [Tennessee] Department of Education (HCDE) discriminated against him in not hiring him as a substitute teacher.

HCDE moves to dismiss the complaint on grounds that (1) under Tennessee law, it is not legally recognized as an entity which can be sued, (2) service of the complaint did not comport with Tennessee law, (3) this court lacks personal jurisdiction, and (4) venue is not proper in this court.

In his response to the motion, Britton states that, though he believes his case has merit, he “fully agree[s] with Defendant that my case should be dismissed with prejudice.” (Doc. #15). Britton’s response alone is, of course, sufficient reason to grant the motion. Additionally, the complaint is subject to dismissal for the reasons asserted in HCDE’s motion.

The court therefore recommends that the motion to dismiss, (Doc. #9), be  
**GRANTED.**

Dated this 17th day of February, 2016.

/s/ Alice R. Senechal  
Alice R. Senechal  
United States Magistrate Judge

### **NOTICE OF RIGHT TO OBJECT**

Pursuant to Rule 72(a) and (b), Federal Rules of Civil Procedure, and District of North Dakota Local Court Civil Rule 72.1(D)(2) and (3), any party may object to this Report and Recommendation by filing with the Clerk of Court no later than **March 2, 2016**, a pleading specifically identifying those portions of the Report and Recommendation to which objection is made and the basis of any objection. Failure to object or to comply with this procedure may forfeit the right to seek review in the Court of Appeals.